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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/705,794	11/06/2000	Shigeto Kobayashi	Q61485	6035

7590 04/08/2004  
Sughrue Mion Zinn Macpeak & Seas  
2100 Pennsylvania Avenue NW  
Washington, DC 20037

EXAMINER

SELBY, GEVELL V

ART UNIT	PAPER NUMBER
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2615

DATE MAILED: 04/08/2004

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Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/705,794

Applicant(s)

KOBAYASHI, SHIGETO

Examiner

Gevell Selby

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-10 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date attached
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_.

**DETAILED ACTION**

***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. <sup>1,3,4</sup> Claims ~~1-4~~ are rejected under 35 U.S.C. 102(e) as being anticipated by Deguchi et al., US 6,295,080.

In regard to claim 1, Deguchi et al., US 6,295,080, discloses a printing method for an optical printer wherein a fluorescent display panel is driven as a light source of a printing head based on electronic image data to print an image on a photographic recording medium(see column 1, line 64 to column 2, line 4), the fluorescent display panel having an array of light emitting elements (see column 5, lines 43-52), the printing method being characterized in that a preliminary emission a process is executed before the optical printer actually starts printing an image (see column 2, lines 5-9), to drive all of the light emitting elements of the fluorescent display panel for a constant time to remove deposited residual gas off the light emitting elements (see column 2, lines 55-57).

In regard to claim 3, Deguchi et al., US 6,295,080, discloses a printing method as claimed in claim 1, wherein the preliminary emission process is executed immediately before each image starts being printed (see column 3, lines 42-45).

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In regard to claim 4, Deguchi et al., US 6,295,080, discloses a printing method as claimed in claim 1, wherein the preliminary emission process is executed immediately after a power switch of the printer is turned on (see column 2, lines 26-32).

***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. **Claim 2 is rejected under 35 U.S.C. 103(a) as being unpatentable over Deguchi et al., US 6,295,080.**

In regard to claim 2, Deguchi et al., US 6,295,080, discloses a printing method as claimed in claim 1, wherein the printing head is moved out of an exposure area of the photographic recording medium during the preliminary emission process (see column 2, lines 1-10).

Whether the printing head moves or is stationary and the recording medium is moved does not matter because both are equivalent and prevent the recording medium from being improperly exposed. Therefore, it would have been obvious to a person skilled in the art at the time of invention that the printing head of the Deguchi device is out of the exposure area of the photographic recording medium because the recording medium has not been conveyed into the range of the printing head.

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**5. Claims 5-10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gowda et al., US 6,628,333, in view of Deguchi et al., US 6,295,080.**

In regard to claim 5, Gowda et al., US 6,628,333, discloses a printer-incorporated electronic still camera (see figure 1) having an imaging device for obtaining electronic image signals from optical images (see figure 1, element 110), a storage device for storing the electronic image signals in a memory (see figure 1, element 112), and a printing device for printing an image on a photographic recording medium based on the electronic image signals read out from the memory (see figure 1, element 114), but does not disclose that the still camera comprises:

a fluorescent display panel as a light source of a printing head of the printing device, the fluorescent display panel comprising an array of light emitting elements in a vacuum container; and

a driving device for driving the light emitting elements, the driving device making a preliminary emission process to drive all of the light emitting elements for a constant time before driving the light emitting elements to print an image on the photosensitive recording medium based on the electronic image signals.

Deguchi et al., US 6,295,080, discloses a printing method for an optical printer wherein the driving device conducts a preliminary light emission to let the light-emitting sections of the recording head emit light for a predetermined time before image recording on a photosensitive material (see column 2, lines 4-9 and column 55-57). The Deguchi reference also discloses that the recording head of the device is a vacuum fluorescent

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print head comprising an array of light emitting elements (see column 1, lines 64-67 and column 4, lines 55-67).

It would have been obvious to a person skilled in the art at the time of invention to be motivated to modify Gowda et al., US 6,628,333, in view of Deguchi et al., US 6,295,080, to have a vacuum fluorescent print head and a driving device making a preliminary emission process to drive all of the light emitting elements for a constant time before driving the light emitting elements to print an image on the photosensitive recording medium based on the electronic image signals in order to avoid the density fluctuation of the developed photosensitive material due to the light emission amount fluctuation of the light emitting sections of the recording head depending on its working history as taught by Deguchi (see column 2, lines 10-14).

In regard to claim 6, Gowda et al., US 6,628,333, in view of Deguchi et al., US 6,295,080, as described in regard to claim 5 above, discloses a printer-incorporated electronic still camera as claimed in claim 5, further comprising a timer for measuring an inactive period of the fluorescent display panel, wherein the driving device makes the preliminary emission process when the timer detects that the fluorescent display panel has not been driven for a predetermined time (see Deguchi: column 2, lines 32-34 and column 2, line 63 to column 3, line 6).

In regard to claim 7, Gowda et al., US 6,628,333, in view of Deguchi et al., US 6,295,080, as described in regard to claim 5 above, discloses a printer-incorporated electronic still camera as claimed in claim 5, further comprising a battery detection device (electrical connection between integrated power source and camera) for detecting

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whether power source batteries are loaded in the still camera or not (see Gowda: column 6, lines 51-54), wherein the driving device makes the preliminary emission process when the battery detection device detects that the power source batteries are newly loaded (see Deguchi: column 2, lines 4-9 and column 3, lines 42-44).

The electrical connection between the power source of the removable film cartridge and the camera creates a battery detection signal that alerts the camera when the power source is loaded. It is implied a preliminary process will be performed because loading the power source requires another power on.

In regard to claim 8, Gowda et al., US 6,628,333, in view of Deguchi et al., US 6,295,080, as described in regard to claim 5 above, discloses a printer-incorporated electronic still camera as claimed in claim 5, further comprising a detection device (electrical connection between integrated power source and camera) for detecting whether the photographic recording medium is loaded in the still camera or not (see Gowda: column 6, lines 51-54), wherein the driving device makes the preliminary emission process when the detection device detects that the photographic recording medium is newly loaded (see Deguchi: column 2, lines 4-9 and column 3, lines 42-44).

The electrical connection between the power source of the removable film cartridge and the camera creates a battery detection signal that alerts the camera when the power source is loaded. It is implied a preliminary process will be performed because loading film also means that a new power source will be loaded and will require another power on.

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In regard to claim 9, Gowda et al., US 6,628,333, in view of Deguchi et al., US 6,295,080, as described in regard to claim 5 above, discloses a printer-incorporated electronic still camera as claimed in claim 8, wherein the photographic recording medium is a self-development type photo film sheet (see Gowda: column 3, lines 66-67), and the still a camera is provided with a pack loading chamber (see figure 5A) for loading a film pack containing a plurality of self-development type photo film sheets therein (see Gowda: column 6, lines 51-54), and wherein the detection device (electrical connection between integrated power source and camera) is located in the film loading chamber to detect whether the film pack is loaded or not.

In regard to claim 10, Gowda et al., US 6,628,333, in view of Deguchi et al., US 6,295,080, as described in regard to claim 5 above, discloses a printer-incorporated electronic still camera as claimed in claim 5, further comprising a head scanning device for moving the printing head from an end to another end of an exposure area of the photographic recording medium to print an image in the exposure area (see Gowda: column 4, lines 17-25), wherein the head scanning device removes the printing head from the exposure area during the preliminary emission process (see Deguchi: column 2, lines 1-10).

Whether the printing head moves or is stationary and the recording medium is moved does not matter because both are equivalent and prevent the recording medium from being improperly exposed. Therefore, it would have been obvious to a person skilled in the art at the time of invention that the printing head of the Deguchi device is



out of the exposure area of the photographic recording medium because the recording medium has not been conveyed into the range of the printing head.

*Conclusion*

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The following art discloses a printer-incorporated camera:

US 4,937,676,

US 6,229,565,

US 5,847,836.

The following art discloses optical printers: US 4,318,597 and US 4,525,729.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gevell Selby whose telephone number is 703-305-8623. The examiner can normally be reached on 8:00 A.M. - 5:30 PM (every other Friday off).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's primary, Vu Le can be reached on 703-308-6613. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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gvs

VU LE  
PRIMARY EXAMINER